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Appl. No. 10/715,368  
December 18, 2006

### REMARKS/ARGUMENTS

Claims 1-10 stand rejected in the outstanding Official Action. However, claims 1-11 were presented in the Amendment filed June 27, 2006 and therefore Applicant questions the status of previously written independent claim 11. Applicant has amended claim 6 and therefore claims 1-11 remain in this application.

On page 2, section 1 of the outstanding Official Action, the Examiner correctly objects to line 10 of claim 6 which recited "said said" and this typographical error has been corrected in the above amendment.

In view of the Examiner's verbatim repetition of his basis for rejection of claims 1-10, Applicant herein incorporates by reference the traversal and all arguments relating thereto of the rejection of claims 1-10 contained in the Amendment dated June 27, 2006.

On page 2, section 2 through page 5, the Examiner essentially restates the rejection of claims 1-10, but ignores newly written claim 11. Applicant inquires as to whether claim 11 has been allowed or whether it was intended to be included in the rejection of claims 1-10 under 35 USC §102. Clarification of the status and statutory basis for any future rejection of claim 11 is respectfully requested.

Also, in the rejection of claims 1-10 under 35 USC §102, the Examiner appears to have incorporated the subject matter of the previous Official Action verbatim and this is believed to contain no response to the points and arguments set out in Applicant's Amendment filed June 27, 2006.

The only portion of the Final Rejection which appears to respond to Applicant's previously submitted remarks is "section 2" on page 6 of the Final Rejection which is entitled

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"Response to Arguments." The Examiner does not dispute that Applicant's independent claim 1 specifies that the "at least one further circuit" responds to a change "from a first desired data processing performance level to a second desired data processing performance level."

Applicant's claim also recites that "said at least one further circuit supports data processing at at least one intermediate data processing performance level."

The Examiner now alleges that the Cooper reference discloses that in one embodiment the "performance level change the processor is in a relatively quiescent state by intercepting all interrupts" and cites column 5, lines 27-29. However, the actual quote from Cooper is "in one embodiment, performance control logic 16 ensures that processor 12 is in a relatively quiescent state by intercepting all interrupts."

The definition of the word "quiescent" is well known to those of ordinary skill in the art and Applicant includes herewith a photocopy of page 967 from *Webster's Ninth New Collegiate Dictionary* which defines "quiescent" as "marked by inactivity or repose: tranquilly at rest."

Claim 1 specifies first and second desired data processing performance levels, i.e., these are levels at which data processing is occurring. The claim further specifies "**at least one intermediate data processing performance level**" (emphasis added) which is clearly a data processing level intermediate the first and second data processing performance levels. Accordingly, even if one of the first and second desired data processing performance levels were zero (assuming that "zero" is in fact a processing level, even though no processing is taking place) the intermediate data processing performance level (intermediate the first and second levels) could not possibly be considered zero.

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Thus, the claim of an "intermediate data processing level" ensures that the data processor is not quiescent or at rest as the Examiner concludes the Cooper reference teaches. Moreover, Cooper is clearly quiescent by "intercepting all interrupts." Thus, Cooper, in teaching data processing "quiescence" would clearly lead one of ordinary skill in the art away from Applicant's claimed "intermediate" processing performance level between the specified first and second data processing performance levels.

As a result, the Examiner has either ignored the distinctions set forth in the June 27, 2006 Amendment or believes that the term "relatively quiescent" somehow teaches an intermediate data processing performance level which is "intermediate" first and second desired data processing performance levels. Should the Examiner believe this is the meaning of "quiescent" by those of ordinary skill in the art, he is respectfully requested to point out how or why he believes there is any support for such meaning, especially in view of the attached dictionary definition of "quiescent."

Absent making of record any contrary definition to the word "quiescent," the Examiner's allegation that Cooper provides any teaching of a processor operating "at an intermediate performance level" is simply unsupported by the facts. Indeed Cooper, in teaching quiescence, would appear to teach away from Applicant's claimed combination of elements. Therefore, any further rejection of claims 1-10 under 35 USC §102 as being anticipated by Cooper is respectfully traversed.

**Entry of the Amendment Under the Provisions of Rule 116**

Entry of the above amendment pursuant to the provisions of Rule 116 is respectfully requested. The above amendment merely corrects an objection to claim 6 based upon a

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typographical error in the previous amendment to claim 6. The correction of this typographical error does not change the scope of claim 6 and therefore cannot require further consideration and/or search. This amendment to claim 6 does place claim 6 and the remaining claims in proper condition for appeal should an appeal be necessary. Further, this amendment does not add any additional claims to the application. Accordingly, entry of the amendment under Rule 116 is respectfully requested.

Another reason for entering this amendment is to require an Advisory Action which clarifies the Examiner's position regarding previously submitted claim 11 which recites the at least one further circuit as including "means for supporting data processing at at least one intermediate data processing performance level." Applicant utilized means-plus-function language which will have a different claim construction scope from that set out in independent claim 1.

Accordingly, entry of the above amendment pursuant to the provisions of 37 CFR 1.116 as well as an Advisory Action confirming such entry and the disposition of Applicant's previously submitted claim 11 is respectfully requested.

Having responded to all objections and rejections set forth in the outstanding Final Rejection, it is submitted that claims 1-11 are in condition for allowance and notice to that effect is respectfully solicited. In the event the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

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Respectfully submitted,

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1: a braid of hair  
waiting line esp. of

o arrange or form in  
ten used with up —

ig) v (1656) 1 a  
of an argument by  
ibbles — quibbler

1: an evasion of  
fiction  
of Kuchen cake, fr.  
revised custard pie  
or ham)  
fr. *lorraine*, fem. of  
of cheese and crisp

ON *kvikr* living, L  
1: archaic: not  
g with speed: as a  
mentally agile (a ~  
th speed and keen  
ly (~tempers) b  
sion of events) (2)  
-look) c: marked  
ment (walked with  
response) (too ~ to  
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NING. FLOWING b  
FLOWING & ody a  
1: having a sharp  
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id without delay or  
ases instance of re-  
sion acquired power  
MPET is more likely  
or instant response  
ratus — P. H. Gar-  
se (reading maketh  
on) ART stresses the  
talent, or a strong  
c (an apt student)  
dition FAST  
ib. of Scand origin;  
a painfully senti-  
mal or toentail) b  
ark) c: the very

and other current  
i agent (as baking  
ng of the dough or  
rin) v (14c) 1 a  
ed: STIMULATE 2  
sely 3: to make  
q a: to make (a

quid n [E dial., cud. fr. ME *quide*, fr. OE *cwidu* — more at CUD] (1727)  
: a cut or wad of something chewable  
quid-dity \ˈkwɪd-ɪ-ti/ n. pl. -ties [ML *quidditas* essence, fr. L *quid* what.  
neut. of *quis* who — more at WHO] (1539) 1 a: a trifling point  
: QUIBBLE b: CROCHET.ECCENTRICITY 2: whatever makes something  
to be of the type that it is: ESSENCE  
quid-dune \ˈkwɪd-ˌdʊn/ n [L *quid* *quid* what now?] (1709) : one who  
seeks to know all the latest news or gossip: *STRAYGOY*  
quid pro quo \ˈkwɪd-prō-ˈkwō/ n [NL, something for something] (1539)  
: something given or received for something else  
quiescence \ˈkwɪ-ˈtes-ˈn(t)s, -kwē- / n (1631) : the quality or state of being  
quiescent  
quies-cent \-ˈnt/ adj [L *quiescent*, *quiescent*, prp. of *quiescere* to become  
quiet, rest. fr. *quies*] (1605) 1: marked by inactivity or repose: tran-  
quilly at rest 2: causing no trouble or symptoms (~ gallstones) *syn*  
see LATENT — *quiescently* adv  
quiet \ˈkwɪ-ət/ n [ME, fr. L *quies*, *quies* rest, quiet — more at WHILE]  
(14c) : the quality or state of being quiet: TRANQUILLITY — on the  
quiet: in a secretive manner  
quiet adj [ME, fr. MF, fr. L *quies*, fr. pp. of *quiescere*] (14c) 1 a  
: marked by little or no motion or activity: CALM (a ~ sea) b: GEN-  
TLE.EASYGOING (a ~ temperament) c: not interrupted with (~ read-  
ing) d: enjoyed in peace and relaxation (a ~ cup of tea) 2 a: free  
from noise or uproar: STILL b: UNOBTUSIVE CONSERVATIVE (~  
clothes) 3: SECLUDED (a ~ nook) — *qui-et-ly* adv — *qui-et-ness* n  
quiet adv (1733) : in a quiet manner (a quiet-running engine)  
quiet vb [LL *quietare* to set free, to calm, fr. L *quies*] v (1326) 1: to  
cause to be quiet: CALM 2: to make secure by freeing from dispute or  
question (~ title to a property) — *vi*: to become quiet — *usu.* used  
with down — *qui-eter* n  
qui-eted \ˈkwɪ-ˈet-əd/ vb *qui-et-ed*; *qui-et-en-ing* \-ət-nɪŋ, -n-ɪŋ/ chlefy  
Brit (ca. 1828) : QUIET  
quies-cent \ˈkwɪ-ˈet-nt/ n (1687) 1 a: a system of religious mysti-  
cism teaching that perfection and spiritual peace are attained by anni-  
hilation of the will and passive absorption in contemplation of God  
and divine things b: a passive withdrawn attitude or policy toward  
the world or worldly affairs 2: a state of calmness or passivity — *qui-*  
*et-ist* \-et-ist/ adj or n — *qui-et-ist-ic* \ˈkwɪ-ˈet-ist-ik/ adj  
quies-cent \ˈkwɪ-ˈet-nt/ n [ME, fr. LL *quiescent*, fr. L *quies*] (1507)  
: a quiet state: REPOSE  
qui-etus \ˈkwɪ-ˈet-əs/ n [ME *quies* est, fr. ML, he is quit, formula of  
discharge from obligation] (1540) 1: final settlement (as of a debt) 2  
: removal from activity; esp: DEATH 3: something that quiets or  
represses  
quill \ˈkwɪl/ n [origin unknown] Brit (ca. 1890) : a prominent forelock  
quill \ˈkwɪl/ n [ME *quill* hollow reed, bobbin; akin to MHG *kuil* large  
feather] (15c) 1 a (1) : a bobbin, spool, or spindle on which filling  
yarn is wound (2) : a hollow shaft often surrounding another shaft  
and used in various mechanical devices b: a roll of dried bark (cinea-  
mum ~) 2 a (1) : the hollow horny barrel of a feather (2)  
: FEATHER: esp: one of the large stiff feathers of the wing or tail b  
: one of the hollow sharp spines of a porcupine or hedgehog 3  
: something made from or resembling the quill of a feather; esp: a pen  
for writing 4: a float for a fishing line  
quill v (1783) 1: to pierce with quills 2 a: to wind (thread or  
yarn) on a quill b: to make a series of small rounded ridges in (cloth)  
quill-back \ˈkwɪl-bak/ n. pl. quillbacks or quillbacks (ca. 1882) : any of  
several suckers; esp: a small fish (*Carpiodes cyprinus*) of central and  
eastern N. America that has the first ray of the dorsal fin much elongated

qui-boa \ˈki-ˈno-ə/ n [Sp. fr. Quechua *quiboa*] (1625) : a pigweed  
(*Chenopodium quinoa*) of the high Andes whose seeds are ground and  
widely used as food in Peru  
quin-o-line \ˈkwɪn-ˈlɪn/ n [ISV *quin* + -ol + -ine] (1845) 1: a pun-  
gent oily nitrogenous base  $C_{10}H_7N$  that is obtained usu. by distillation  
of coal tar or by synthesis from aniline and is the parent compound of  
many alkaloids, drugs, and dyes 2: a derivative of quinoline  
quin-one \ˈkwɪn-ən, -ˈwɪn-/ n [ISV *quinine* + -one] (1853) 1: either of  
two isomeric cyclic crystalline compounds  $C_{10}H_6O_2$  that are di-keto  
derivatives of ahydro-benzene 2: any of various usu. yellow, orange,  
or red quinonoid compounds including several that are biologically  
important as coenzymes, hydrogen acceptors, or vitamins  
quin-o-noid \ˈkwɪn-ˈo-noid, -ˈwɪn-/ or quin-oid \ˈkwɪn-ˈoid/ adj (1878)  
: resembling quinone esp. in having a benzene nucleus containing two  
double bonds within the nucleus  
quin-qua-gesi-ma \ˈkwɪn-ˈkə-ˈjes-ə-mə, -ˈja-zə/ n [ML, fr. L, fem. of  
*quinquagesimus* fiftieth, fr. *quinquaginta* fifty, fr. *quinque* + -ginta (akin  
to *viginti* twenty — more at VIGINTIAL): fr. its being approximately 50  
days before Easter] (14c) : the Sunday before Lent  
quinaque or quinqu- comb form [L, fr. *quinque* — more at FIVE]: five  
(*quinquelotiale*)  
quin-que-nial \ˈkwɪn-ˈkwen-ē-əl, -kwɪŋ-/ adj (15c) 1: consisting of or  
lasting for five years 2: occurring or being done every five years —  
quin-que-nial n — *quin-que-nally* \-ə-ˈle/ adv  
quin-que-nal-um \ˈkwɪn-ˈkwen-əl/ n. pl. -niums or -nia \-zə/ [L, fr. *quinque* +  
-nus year — more at ANNUAL] (1621) : a period of five years  
quin-que-valent \ˈkwɪn-ˈkwɪ-ˈvələnt/ adj (1877) : PENTAVALENT  
quin-ty \ˈkwɪn-ti/ n [ME *quintess*, fr. MF *quintance*, fr. LL *cynarcha*, fr.  
Gk *kynarchē*, fr. *kyn* *kyōn* dog + *archē* to strangle — more at  
ROUND, ANGER] (14c) : a severe inflammation of the throat or adjacent  
parts with swelling and fever  
quint \ˈkwɪnt/ n (1935) : QUINTUPLET  
quin-tain \ˈkwɪnt-ən/ n [ME *quintaina*, fr. MF, fr. L *quintana* street in a  
Roman camp separating the fifth castrum from the sixth where military  
exercises were performed, fr. fem. of *quintanus* fifth in rank, fr. *quintus*  
fifth] (15c) : an object to be tilted at: esp: a post with a revolving  
crosspiece that has a target at one end and a sandbag at the other end  
quintal \ˈkwɪnt-əl, -ˈkant-/ n [ME, fr. MF, fr. ML *quintale*, fr. *As aintar*,  
fr. LGk *kentēnarton*, fr. LL *centenarium*, fr. L, neut. of *centenarius*  
consisting of a hundred — more at CENTENARY] (13c) 1: HUNDRED-  
WEIGHT 2: a unit of weight equal to 100 kilograms (about 220.46  
pounds)  
quint-ess-ence \ˈkwɪn-ˈtes-ˈn(t)s/ n [ME, fr. MF *quintess*, fr. ML  
*quinta essentia*, lit., fifth essence] (15c) 1: the fifth and highest ele-  
ment in ancient and medieval philosophy that permeates all nature and  
is the substance composing the celestial bodies 2: the essence of a  
thing in its purest and most concentrated form 3: the most typical  
example or representative — *quint-ess-ent-ial* \ˈkwɪnt-ˈes-ˈen-ʃəl/ adj  
quint-et also quin-tette \ˈkwɪn-ˈtet/ n [quintet fr. It *quintetto*, fr. *quinto*  
fifth, fr. L *quintus*; *quintette* fr. F, fr. It *quintetto*] (1792) 1: a musical  
composition or movement for five instruments or voices 2: a group  
or set of five as a: the performers of a quintet b: a basketball team  
quintic \ˈkwɪnt-ik/ adj [L *quintus* fifth] (1833) : of the fifth degree  
quintic n (1836) : a polynomial or a polynomial equation of the fifth  
degree  
quin-tile \ˈkwɪn-ˈtɪl/ n [L *quintus* + E *-ile*] (ca. 1928) : any of the four  
values that divide the items of a frequency distribution into five classes  
quin-ti-lion \ˈkwɪn-ˈtɪl-ən/ n [L *quintus* + E *-illion* (as in *million*)] (ca.